

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CEDRIC WILLIAMS,
Plaintiff,

v.

STATE OF CALIFORNIA, et al.,
Defendants.

Case No. [18-cv-05449-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

This suit was reassigned from a magistrate judge to the undersigned in light of a recent Ninth Circuit decision.¹

On September 5, 2018, Plaintiff, a frequent filer and state prisoner, filed the present *pro se* prisoner action under 42 U.S.C. § 1983.² On that same date, the Clerk of the Court sent a notification to Plaintiff that he had neither paid the filing fee nor submitted a completed application for leave to proceed *in forma pauperis* (“IFP”). Dkt. 2. The Clerk provided Plaintiff with a copy of the correct form for application to proceed IFP, along with a return envelope, instructions, and a notification that the case would be dismissed if Plaintiff failed to pay the fee or file the completed application within twenty-eight days.

On September 12, 2018, Plaintiff submitted to the Court his IFP application and the six-month prisoner trust account statement, but the certificate of funds was not included. Dkt. 6. On October 19, 2018, Plaintiff submitted another copy of his six month statement, but again the certificate of funds was not included. Dkt. 13.

The twenty-eight-day deadline has long passed, and Plaintiff failed to submit his certificate of funds.

Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. Because this dismissal

¹ *Williams v. King*, 875 F.3d 500, 503 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial screening because unserved defendants had not consented to proceed before magistrate judge).

² Because the original complaint was not submitted on the proper form, the operative complaint is the complaint filed on October 1, 2018. Dkt. 11.

1 is without prejudice, Plaintiff may move to reopen the action. Any such motion must contain a
2 complete IFP application, including the certificate of funds and the six-month prisoner trust
3 account statement (or the full \$400.00 filing fee). Plaintiff's IFP application is DENIED as
4 incomplete. Dkt. 6. The Clerk shall terminate as moot any pending motions (dks. 7, 10, 12), and
5 close the file.

6 This Order terminates Docket Nos. 6, 7, 10, and 12.

7 IT IS SO ORDERED.

8 Dated: April 10, 2019

9 
10 YVONNE GONZALEZ ROGERS
United States District Judge